

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-3178

UNITED STATES OF AMERICA

v.

MICHAEL KOSTENIUK,
Appellant

Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Crim. No. 05-cr-00008E)
District Judge: The Honorable Sean J. McLaughlin

Submitted Under Third Circuit LAR 34.1(a)
September 25, 2007

Before: McKEE, BARRY, and FISHER, Circuit Judges

JUDGMENT

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted on September 25, 2007.

After consideration of all the contentions raised, it is

ADJUDGED and ORDERED that the judgment of District Court is affirmed except that the special condition of supervised release relating to the possession of

pornography is vacated and remanded for resentencing consistent with this Opinion. All in accordance with the Opinion of the Court.

ATTEST:

/s/ Marcia M. Waldron
Marcia M. Waldron, Clerk

Dated: October 9, 2007